**Equality and Diversity in India: Comparing Public versus Private sector approaches to managing diversity in Indian organizations**

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**Abstract**

The public sector in India has a constitutionally mandated reservation policy since 1950, for affirmative action protecting the three designated groups, Scheduled Castes (SC) also known as *Dalits*, Scheduled Tribes (ST) and Other Backward Classes (OBC). In fact, public sector reservations for these groups were put in place by the British government in India even before independence. The private sector in India, however, has historically claimed to be ‘caste-blind’ and ‘merit-based’ in its human resource management (HRM) processes, denying the need to track caste information on its employees and for implementing any voluntary affirmative action reservation policies. But increased lobbying efforts and governmental pressures have led to some awareness building and voluntary action in the private sector in efforts to thwart the threat of the legislated imposition of reservation quotas. Multinational corporations (MNC) in India, meanwhile, have equal employment opportunity policies primarily for women.

**Keywords:** Scheduled Castes (SC), Scheduled Tribes (ST), Other Backward Classes (OBC), Affirmative Action, India, Women, Disability, Public Sector, Private Sector, Human Resource Management (HRM).

**Introduction**

Recently, the Society for Human Resource Management (SHRM) presented its first **Global Diversity Readiness Index (G-DRI)** ranking 47 countries rated along 39 indicators in five categories: National Diversity, Workplace Diversity, Social Inclusion, Government Inclusion, and Legal Framework (See Table 1). India ranked near the bottom, 41 of 47 overall with a total score of 36 out of 100 points. Notably, India has high ethnic/racial diversity, extremely low immigrant population, imbalanced male/female population ratio and high income inequality. India’s best score was for its Legal Framework and its best rank was for its Government Inclusion (SHRM, 2012).

By comparison, Canada ranked in 4th place among 47 countries overall with a total score of 70 out of 100;Canada placed in the top third of the 47 countries for its national diversity in 13th place. With immigrants representing a high share of the total population and moderately low income inequality, Canada’s highest score was for its Legal Framework, but it ranked best in Social and Government Inclusion. The United States ranked 14 among the 47 countries with a total score of 62 out of 100. Relative to the other 46 countries in this index, the United States was neither extremely diverse nor extremely homogeneous. It placed ninth for the most ethnic/racial diversity, scoring best for Workplace Inclusion. It ranked 18th for Government Inclusion and for its Legal Framework but 25th for Social Inclusion. Notably, the US ranked last for laws ensuring paid maternity leave, with a score of zero. Overall, Canada has an impressive ranking with high levels of Social and Government Inclusion as well as Legal and workplace Inclusion while the US has the highest ranking in Workplace Inclusion, but is low on Social Inclusion (SHRM, 2012 [http://www.shrm.org/**gdri**](http://www.shrm.org/gdri)).

*Insert Table 1 here*

Despite India’s strong score for its Legal Framework in place and high rank for Government Inclusion, its Workplace and Social Inclusion rank and scores are in the bottom five of the 47 countries compared. Clearly, sixty-five years since independence have not resulted in much progress and more action needs to be taken for improving diversity, equality and inclusion in the Indian workplace and society. ‘Reservation’ has been constitutionally mandated in the 1950 Indian Constitution. Legendary dalit leader, Dr. Babasaheb Bhimrao Ambedkar, a dalit himself and a highly educated lawyer, championed equality for the Dalits and included safeguards for them in the Indian Constitution. The strong Legal Framework and Government Inclusion is a reflection of this national vision for equality. But the low scores for Workplace and Social Inclusion are a reflection of the reality of continuing discrimination and exclusion in the Indian labour market and society.

Only very recently has the private sector embarked upon an awareness and consultation process with regards to the possibility of introducing affirmative action initiatives in organizations, primarily in response to strong lobbying efforts by dalit organizations and pressure from the government. Private sector representative associations, such as The Federation of Indian Chambers of Commerce and Industry (FICCI), Association of Chambers of Commerce (ASSOCHAM) and Confederation of Indian Industries (CII), with member organizations which have traditionally claimed to follow “merit-based” recruitment and retention HRM processes, are now encouraging a ‘voluntary’ process of initiating affirmative action (AA) under their corporate social responsibility (CSR) policies. Two very clearly different positions exist regarding the diversity approaches in India’s public and private sector organizations, with the former resigned to compliance while the latter reticently raising diversity awareness due to governmental pressure on addressing reservation issues voluntarily or face legislated quota imposition (Haq, 2012).

**Background**

Even in these modern times, millions of Indian children and adults are still considered to be too impure to breathe the same air as the upper castes, eat the same food, drink from the same water source, visit the same temples, study in the same schools, occupy the same seating space, or even be immolated on the same ground after death. They are labeled as the ‘outcaste’ being outside of the caste system, also known as ‘untouchable’ or ‘*dalit*’, by simply being born into a family perceived to be impure by the nature of its scavenger and janitorial occupation and/or landless manual labour status. Even their shadow is considered to be impure for the upper castes. Although legally abolished in the 1950 constitution, untouchability has not yet been eradicated in India and they are commonly known as ‘*achhuts’* (untouchables or outcastes) or scavengers. These feelings and attitudes are so ingrained over centuries of exclusion, discrimination, exploitation and violence that in rural India members of the lower castes still cannot raise their head, their voice or their gaze at an upper caste Hindu, let alone fight for their rights and freedoms guaranteed in the constitution. Recent incidents of dalit children being segregated from upper caste children and being chased out of school in some villages of Tamil Nadu for wanting to participate in the government school mid-day meals programs; upper caste children in Uttar Pradesh refusing to eat the school mid-day meals when cooked by dalit women. The Indian Institute of Dalit Studies (IIDS) surveyed over 531 villages in five states of India exposing such patterns of exclusion and discrimination. Reports of the government’s public distribution shops in Patna, the capital city of the state of Bihar, “owned by the dominant castes refused to distribute goods to Dalit customers until cloth screens were hung to protect them from the gaze of the so-called polluting presence of “the untouchables” (Basu, 2011:79). Crimes against humanity targeting the SC/ST/OBC are a daily occurrence in India. Large-scale underreporting is likely due to fear of repercussions and reprisals.

**Human Rights**

The United Nation’s World Confer­ence Against Racism in Durban highlighted dalit activists’ debate on caste and discrimination (see Thorat and Umakant, 2004). At the Universal Periodic Review (UPR) of India at the Human Rights Council of the United Nations on May 24, 2012, the fourteen member states’ review included caste-based discrimination calling for effective implementation of laws and policies to address the daily occurrences of horrific caste-related human rights violations in India; Dalit rights to education, health, housing, property; and equal treatment before the law for impunity of crimes committed against them such as caste-motivated killings, rapes, and other abuses (IDSN, 2012). In 2003, the NDHRC listed 22,603 such cases registered by the police under the prevention of atrocities act of the Ministry of Social Justice and Empowerment, indicating that underreporting is widespread (NHRC, 2004: 45). Human Rights Watch and Indian Dalit Solidarity Network (IDSN), are demanding that the Indian government move from promises to action for improving the lives of over 167 million Indians (16 percent of the population) through “Appropriate reforms to eliminate police abuses against Dalits and other marginalized communities; Vigorous implementation of laws and government policies to protect Dalits, and Dalit women in particular, from physical and sexual violence; Eradication of  caste-based segregation in residential areas and schools, and in access to public services; and Effective eradication of exploitative labor arrangements and effective implementation of rehabilitation schemes for Dalit-bonded and child laborers, manual scavengers, and Dalit women forced into sex work” (Human Rights Watch, 2012; IDSN 2012).

**Women**

There are no constitutional reservation quotas for women in higher education or in the workplace. The World Bank reports that India’s female workforce participation rate is one of the lowest in the world at 13% compared with 46 % in China and 60% in the developed world. In fact women’s workforce participation in India has historically remained unchanged for more than 20 years despite economic liberalization and double digit growth rates. Most of the women workers are in the informal unorganized sector such as rural unwaged agricultural labour, but even including them the rate is under 25%, due to barriers to women’s participation in the workforce (Stephanie Nolen, 2012a). Gita Nambisan (2005) has documented the double discrimination of gender and caste faced by Dalit girls in rural and urban schools. Deshpande (2011) further argues that the emulation of upper caste norms has eroded the formerly egalitarian gender roles of Dalit women in the family and caste occupations.

In addition, there are further insidious challenges for women in India, such as gendercide. The current sex ratio, defined as the number of females per 1000 males, of India in 2012 is 940 Females per 1000 Males. The **sex ratio** was balanced until independence but has been declining as a result of access to modern sex determination and abortion techniques. According to the Census of India 2011, Indian sex ratio has shown some improvement in the last 10 years, up from 933 in 2001 to 940 in 2011. The highest ratio is in the state of Kerala, 1084 females for every 1000 males, and the lowest is in the state of Haryana, 877 females per 1000 males. Although it varies from region to region, Kerala and Puducherry are only two regions in India where the total female population is more than the male population, likely a reflection of higher literacy rates (Census of India, 2011).

In May 2012, the issue of female infanticide was also raised in the inaugural episode of a new television program *Satyamev Jayate* (Truth will prevail) by Aamir Khan, a popular Bollywood actor, to raise awareness and express public outrage demanding that the government take serious legal action against perpetrators. It exposed the myth that this is only a rural issue. The reality is its prevalence primarily in the urban, well-educated, affluent, middle and upper classes. (Aamir Khan 2012, Daughters Are Precious: Female Foeticide Downloaded from:

<http://www.youtube.com/watch?v=NG3WygJmiVs&list=ELHRj2Wug-qa0&index=1&feature=plpp_video>)

Studies in Canada, US and UK also show the persistence of these cultural attitudes among the Indian diaspora as well. Abortion rights exist in India (up to 20 weeks of pregnancy), however, using ultrasound or other techniques to detect the sex of the foetus has been banned in India since the Prenatal Diagnostic Techniques (PNDT) Act 1994 to prevent female foeticide, but continues to be widely available. In Canada and UK abortion is legal, up to 20 and 24 weeks of pregnancy respectively, as well as disclosing the sex of the foetus to the parents is legal and available to parents at the second pregnancy scan (at about 20 weeks of pregnancy). Awareness of a risk of sex-selective abortion now has some clinics declining this information but it is still easily available from the private sector.

A recent Canadian study found these attitudes prevailing among Indo-Canadians with the *Indo-Canadian Voice,* a newspaper for South Asian immigrants, running an advertisement promoting pre-conception gender selection “Create the family you want: boy or girl” at the Washington Center for Reproductive Medicine, because *in vitro* sex selection is illegal in Canada. A study published in the Canadian Medical Association Journal (CMAJ) on April 16, 2012, examined 767,000 births in Ontario from 2002-1007 with respect to the mother’s country of origin reporting that while the first child ratios were normal, the second child ratios were normal for Canadian born mothers but higher for South Korean mothers (120 boys for 100 girls); Indian, Fillipina and East Asian mothers (110-111 for 100 girls); and was the highest for third born children with Indian born mothers having 1,883 sons to 1,385 daughters, a disturbingly distorted ratio of 136 to 100 (The Globe and Mail, May 5, 2010). Dubuc and Coleman at Oxford University, UK, found quantitative evidence of prenatal sex selection against females among a small minority of India-born women living in England and Wales by examining the sex ratio in the annual birth registrations between 1969 and 2005, estimating about 1500 missing baby girls from 1990-2005 (Dubuc, 2009). No such evidence was found for Pakistan-born or Bangladesh-born women in the study. This persistent trend of female gendercide is evidence of the entrenched cultural, social and economic devaluation of women in Indian society despite globalization and economic growth.

*Insert Table 2 here*

**Public Sector Reservation**

The Ministry of Social Justice and Empowerment is the Government of India’s ministry responsible for SC/ST reservation policies although there is no national enforcement mechanism for affirmative action reservation policies in India, such as in Malaysia and other countries. The specific details of reservation are rather complex in the Indian context. A total reservation of 22.5%, including 15% for the SC and 7.5% for the ST, is constitutionally implemented in the public sector. The Supreme Court of India has capped total reservations at 50%, which is currently being challenged by many states with already exceeding rates of reservation for the different groups based on local populations. The government has capped OBC reservation at 27% excluding the well-off ‘creamy layer’ with annual earnings of more than Rs. 4.5 lakh. Reservation for the OBC, is a work-in-progress with many contentious issues plaguing the definition, depth and width of this catchment term, further complicated by the constitution allowing each state to determine its OBC levels. Minorities are defined on a religious basis such as Muslims, Sikhs, Christians, etcetera. Five states, Kerala, Tamil Nadu, Karnataka, Bihar and West Bengal have religion-based reservations varying from a high of 12 per cent in Kerala to 3 per cent in Bihar. Interestingly, Uttar Pradesh, which has the highest Muslim population among all the states of India, does not have minority reservations. In December 2011, the government further subdivided the OBC quota by reserving 4.5% of the 27% for minorities. This was contested by the states with the Andhra Pradesh High Court decision on May 28, 2012, invalidating the 4.5% sub-quota for minorities (Deccan Chronicle, Wed. May 30, 2012). Reservation cannot be granted based on religion in a constitutionally secular India, therefore the Central government’s imposition of 4.5% for minorities is unconstitutional because it was based on religion only (Dhavan, 2012). Notably, there is no reservation for women in public sector employment, higher education, or the Parliament, only at the Panchayat level of local government. 3%, however, is reserved for the physically handicapped.

While there is reservation for entry level positions there is no reservation in promotions which are claimed to be selected based on merit and seniority. For example, the representation of SC/ST officers in the higher echelons of nationalized banks is very low. In response to petitions and appeals filed by the SC/ST employees associations of various nationalized banks, a Madras High Court ordered five nationalized banks to implement reservation for the promotion of SC/ST candidates to officer ranks. Rejecting the banks’ argument that the efficiency and administration of banks would suffer if the reservation policy is followed in promotions, Justice Dharma Rao said: "We are unable to understand such a sweeping and generalised argument advanced on the part of the banks, as if all the employees belonging to these underprivileged classes are inefficient and not suitable for promotion. When the Union of India has directed the banks to follow the rule of reservation in promotions in all cadres, as early as in the year 1997, there is no impediment for the banks to implement the same. However, for no better reason to be appreciated, the banks are adamant in not implementing the office memo….this defeats the very purpose of reservation enshrined in the Constitution. We must remember that even the SC/ST candidates, who are now serving in officer cadres, have been promoted only by virtue of their long service and merit and not by availing themselves of the rule of reservation in promotions, as has been provided for under Article 16(4A) of the Constitution." directing the banks to implement the rule of reservation for promotions to all cadres in the banking sector (The Times of India, 2009).

Remedial steps have also been taken in response to a drop in the representation of minority community candidates and successful hiring of members from the minority communities in public sector enterprises, banks, financial institutions and railways during the April 1, 2009 to March 31, 2010 reporting period. The department of personnel and training’s 2007 directive to various ministries mandates that future jobs ads be in the local language of the minorities in the region, be placed in local schools and colleges, organize public campaigns on jobs for minorities, present annual recruitment data on minorities, and place at least one representative from each group SC/ST and minorities in the public sector unit (PSU) selection committees to ensure that the recruitment process is inclusive and representative, as part of Prime Minister Manmohan Singh’s ‘New 15 Point Program’ of January 2007. (See Exhibit 1).

*Insert Exhibit 1 here*

Despite these complexities, the past six decades have resulted in modest success for the legislated affirmative action policies by fulfilling entry level quotas in government employment and achieving proportional SC/ST representation in State legislatures and in the Parliament, while outcomes in higher education could be improved by better schooling at the elementary level (Nayyar, 2011).

**Education**

The public sector makes accommodations for the SC, ST, and OBC in the higher education admissions process by relaxing some of the qualification criteria such as minimum age, minimum cut-off in percentage marks required for admission in public institutions of higher education, and targeted training sessions to help prepare for entrance exams and interviews. An example is provided in Exhibit 2.

*Insert Exhibit 2 here*

Although public institutions of higher education are bound by the reservations policies, casteism on educational campuses is also prevalent resulting in an increasing number of suicides by Dalit students over the past few years (Nolen, 2012b). Discrimination and harassment of SC/ST students, such as biased evaluations of examinations by professors, attributing poor academic performance to a student’s social background, keeping them idle in the laboratory and other such acts, are now punishable under the new regulation of the University Grants Commission (UGC). This is the first time that harassment and victimization of SC/ST students has been clearly defined for colleges and universities and made punishable for acts on and off campus. The HRD ministry has approved a new regulation “Prevention of Caste-based Discrimination/Harassment Victimization and Promotion of Equality in Higher Educational Institutions-Regulation 1012”. Defining both overt and covert casteism by professors and students, making it mandatory for all institutions to establish an equal opportunity office and an anti-discrimination officer authorized to address complaints and obliged to resolve them within a two month timeframe via the ombudsman of the institution (Mail Today, 2012).

**Women’s Reservation Bill**

The Women's Reservation Bill of India took fourteen long years to overcome the roadblocks before passing the first legislative hurdle in Parliament in 2010 for greater representation of women in the Lok Sabha and state Assemblies to ensure that all women, including women belonging to the Scheduled Caste, Scheduled Tribe, Other Backward Classes and minorities, are included in the government’s decision making processes while current reservation is only for the SC/ST. This controversial Women's Reservation Bill is historic in requiring 33% reservation for women in Parliament and state legislative bodies. The bill was passed with 186 votes in favour and only one against, and is expected to result in reserving 181 seats for women of the 543 seats in the Lok Sabha and 1,370 of the 4,109 seats in the 28 State Assemblies (Times of India, 2010). Quotas for women in parliaments were in force in more than 30 countries around the world in 2001 and such policies of reservation for women in government are a powerful redistribution tool which significantly increases the access of disadvantaged groups to political decision making (Duflo, 2005). Although this brings into power relatively inexperienced and less-educated politicians, there is no evidence of poor quality in decision making or in the quality and quantity of public goods distribution, while there is a significant reallocation of the goods toward the preferred allocation of the group in power. Also, women are less likely to take bribes (Duflo, 2005). In India, seats are already reserved for the SC/ST in federal and state legislative assemblies and for SC/ST and women at all levels of the ‘Panchayat’ system of local decentralized decision making. The 73rd Amendment of the Constitution of India, in 1992, gave new powers to the women by providing that one-third of the seats in all ‘Panchayat’ councils must be reserved for women. Reservations have been fully implemented in all major states except Bihar and Uttar Pradesh (Duflo, 2005).

**Private Sector**

“… one of the major difference between India and other countries is that while from the very beginning other countries have used various affirmative action policies both in public and private sector, curiously enough India for unknown reasons confined such policy only to minuscule state and public sector and excluded the vast private sector where more than 90 percent of low-caste untouchables and tribals still earn their livelihood. In this sector there is no protection against economic discrimination. Due to further narrowing down of public sector, there is a growing demand for some kind of affirmative action policy in the private sector” Thorat (2004).

While the reservation policy for the ST/ST and OBC has been implemented in the public sector organizations particularly in government employment, higher education and political representation, the private sector has managed to remain ‘caste-blind’ and ‘merit-based’. The private sector maintains that reservation would be impossible to implement in the informal sector and is only relevant in relation to the organized formal sector which only employs around 2 per cent of the Indian work force (CII-Assocham, 2006), and private sector reservation would increase the SC/ST pool by only10.5 per cent.

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Deshpande (2011) argues that the economic forces of liberalization and globalization have generated numerous jobs in the outsourcing industry but the SC/ST and OBC have been left out of this lucrative job market because of the basic requirement for fluency in English and computer literacy which undermines their ability to compete due to lack of access to such education. While Darity and Deshpande (2003) have drawn parallels between dalits and disadvantaged groups in other countries, Johdka (2002) elaborated on how multiple identi­ties of caste, religion, migrant status, gender together affect patterns of employment and exclusion in Indian cities. In a prominent recent study, Sukhadeo Thorat and Paul Attewell (2007) reported on the relationship between caste (including minority religion membership but excluding gender) and labour market dis­crimination in today’s urban India. They examined the prevalence of discrimination in the job application process of private sector enterprises in India by studying the recruitment process of highly educated Indians from different castes and religious backgrounds applying for jobs in the modern urban private sector, encompassing multinational corpo­rations as well as prominent Indian companies, where caste and communal discrimination are strongly denied. The companies includ­ed securities and investment companies; pharmaceuticals and medical sales; computer sales, support, and IT services; manu­facturing; accounting firms; automobile sales and financing; marketing and mass media; veterinary and agricul­tural sales; construction; and banking. Their findings document a statistically significant pattern of decision-making by private sector employers recruiting university graduates for entry level positions that repeatedly advantages job applicants from Hindu higher caste backgrounds and disadvantages low-caste and Muslim job ap­plicants with equal qualifications and experience solely on the basis of the candidate’s name. “Our findings suggest that social exclusion is not just a residue of the past clinging to the margins of the Indian economy, nor is it limited to people of little education. On the contrary, it appears that caste favouritism and the social exclusion of dalits and Muslims have infused private enterprises even in the most dynamic modern sector of the Indian economy.” (Thorat and Attewell, 2007:4141). However, no data exists on the employment composition of private sector enterprises in India, because corporations are not obliged to report to the government any statistics on the caste and religious composition of their workforces.

In 2006, Meira Kumar, then Minister for Social Justice and Empowerment, and a dalit herself, started promoting voluntary affirmative action by India Inc. instead of imposing legislation mandating reservation in the private sector. Seeking support from CEOs and senior managers in the private sector, she proposed voluntary action over legislation on reservations for SC/ST employment. Then, at the annual meeting of the Confederation of Indian Industry (CII) on April 18, 2006, Prime Minister Dr Manmohan Singh presented the CII with the option to proactively assess diversity in its member organization employee profile and voluntarily commit to adopt Affirmative Action policies to broaden SC/ST representation or be prepared for ‘reservation’ legislation. In response, the CII indicated resistance to reservation laws but a willingness to cooperate by establishing a Task Force, a National Affirmative Action Council and encouraged companies to develop an Affirmative Action plans and begin implementing it as of January 2007.

In 2011, CII undertook the first ever caste census of its member firms across the country. Consequently, more awareness has been created in the private sector and some progress has been made in programs for the SC/ST in HR and business processes. Nearly 100 CII member companies have drawn up Affirmative Action agendas for SC/ST youth in four areas: Employability, Entrepreneurship, Education and Employment, to make a positive difference in the lives of over 37,054 SC/ST youth in all regions of India (CII, 2012).

Until as recently as 2007, the private sector industry in India claimed being merit-based and caste-blind in its recruitment and retention human resource policies with no tracking and no actual SC/ST/OBC numbers and no data collected on the caste affiliation of its employees. In 2011, the CII conducted a caste census of its 8,250 member organizations employing about 3.5 million (35 lakh) people across 22 Indian states and union territories (See Table 3). The top five states in SC/ST representation in industry were Haryana, Delhi, Tamil Nadu, Puducherry, and Uttar Pradesh; the bottom states were Madhya Pradesh, Himachal Pradesh, Rajasthan, Maharashtra, Karnataka and Gujarat all showed a double-digit gap in representation of the SC/ST as a percentage of the workforce in the private sector as compared to their percentage in the states’ total population. Kerala and Uttrakhand actually surpassed the representation rate, likely due to the 100% literacy rates in Kerala (Iyer, 2011).

*Insert Table 3 here*

**Corporate Social Responsibility**

India has made real progress in developing and sustaining a global reputation for its information technology (IT) industry. Upadhya (2007) suggests that the successful IT industry in India draws its workforce primarily from high caste affluent urban middle class with their expensive private education, knowledge of English, westernised social orientation which in turn is contributing to the domination of the middle/upper class/caste domination reinforcing the deep social and economic divisions that continue to characterize Indian society. And while it is not the role of the corporate sector to remedy social ills, it does reinforce their commitment to merit. With rising political support for reservations in higher education and private sector employment, IT companies are being encouraged towards implementing voluntary positive discrimination policies to increase the diversity of their workforce. In order to forestall criticism and the possible imposition of quotas, several companies have already taken steps to increase the diversity and inclusiveness of their workforces via internship and training programs for rural youth and scheduled caste engineers under their corporate social responsibility programs.

Lerche (2008) reports that *Dalit* solidarity organizations, such as the (DSN) and (IDSN), are strategically lobbying foreign private corporations and development agencies under their Corporate Social Responsibility (CSR) codes of conduct, promoting the ‘Vancouver Declaration (2003)’ and the ‘Ambedkar Principles (2006)’, to implement affirmative action job quotas for *dalits* in their operations in South Asia (DSN UK, 2006: IDSN, 2006). Notably, Ruth Manorama, an activist for the rights of *dalits,* and especially *dalit* women, was awarded the 2006 Alternative Nobel Prize. In India, a strong *dalit* movement views private sector reservation as linked to the wider demand for ‘a proportionate share’ in the ‘national institutions, wealth and capital’, as stated by the Vancouver Declaration (2003). The Bhopal declaration of supplier diversity proposes government priority procurement from SC/ST traders and entrepreneurs. In July 2006, Prime Minister Manmohan Singh suggested, to the Committee of Ministers for *Dalit* Affairs in October 2006, that a proportion of government purchases should be made from SC/ST entrepreneurs but it is yet to become a formal government policy (Outlookindia.com, 2006). Further, the *dalit* ‘National Summit on Reservation in Private Sector’ has proposed demands of private sector job reservations with quotas within capital markets, quotas in agricultural products purchases, and reservations in religious trusts, all policy-making bodies, NGOs, co-operative societies, private housing and other areas (NCDHR, 2005). D*alit* advocacy also involved US expertise in drafting a proposal for a new private sector affirmative action bill, explicitly making reference to the US experience (Krishnaswamy, n.d). In March 2006, the All Ministry Group recommended to the Cabinet that the government should pursue private sector reservation legislation.

The private sector produced a counter-plan in August 2006, rejecting job quotas, and proposing instead a voluntary agreement centered around a code of conduct according to which preferential treatment would be given only to SC/ST candidates who had levels of competence and qualifications equal to those of other candidates — a principle used in, for example, UK equal opportunities programmes (ANI, 2006). As part of its counter-proposal to a job quota arrangement, the private sector also countered this proposal with a suggestion that they would mentor at least 100 SC/ST entrepreneurs during the first year of reaching agreement with the government (CII and Assocham, 2006). In 2006–7, the private sector began implementing aspects of its proposals. Meanwhile, in Uttar Pradesh, the BSP government put forth a scheme for private sector reservations, where government subsidies were offered to enterprises in exchange for a commitment to a voluntary reservation scheme, reserving 10 per cent of jobs to SC/STs, 10 per cent to other so-called ‘backward’ castes, and 10 per cent to economically weaker sections of ‘upper castes’ and other state governments considering a similar scheme (*The Hindu*, 2007).

**Women in the Private Sector**

In the past two decades, Indian women are beginning to move into middle and senior management positions in MNCs operating in India as a result of their equal employment opportunity policies and gender equity focus of diversity programs, initiatives and directives from the parent company. An example is from an IBM job ad: “Are you an IBMer?” which clearly includes the statement “IBM is an equal opportunity employer. The differently-abled are welcome to apply.” (Hindustan Times, Shine Jobs, New Delhi , Tuesday May 15, 2012, p1.).

But there is still a long way to go as women continue to be under-represented in corporate India as compared with the rest of the world. Only 36 percent of Indian companies have women in senior management positions as compared with 91 percent in China. 77% of Fortune ranked 200 largest companies in the world had at least one woman on their Board of Directors as compared with only 26 percent (392 of 1,500) of Indian listed companies. Of the 278 directors on the BSE Sensex companies, only 10 are women. Of the 2,552 CII member companies, only 85 reported having women representatives. CII southern region’s Women’s Empowerment Task Force on March 5, 2011, published a Directory of Women Achievers the first Compendium on Women Achievers from five southern states of India (CII, 2011).

A survey of working women in Chennai by Cerebrus Consulting for Madras Management Association reported that women have a high sense of self-worth and professional ambition, however, the major road block is work-life balance since Indian women face heavier burdens of family responsibilities than men and rank their family as a higher priority than their career therefore are unable or unwilling to relocate, travel extensively, work long hours, dedicate extra time for networking, professional development, etcetera. Although work-life balance is a key barrier for Indian women, it is also the fear of sexual harassment and their personal safety as violence against women is widespread. “they (women) have so much potential and they are not able to follow up on their dreams-it’s very disheartening…Our president is a woman, the leading political party’s president is a woman, but at the grassroots and even [the middle class] women are basically not allowed to go out of the four walls of their house.”(Roychoudhury, 2012:A11).

**Conclusion**

In India, affirmative action is known as ‘reservation’ and is defined in the 1950 Constitution primarily as quotas for the Scheduled Castes/Scheduled Tribes/Other Backward Classes (SC/ST/OBC) in the public sector higher education, civil service and legislative institutions. Some private sector companies have recently begun to include diversity as a part of their corporate social responsibility (Srinivas, Haq, and Ojha, 2011). There is also a need for the recognition of other salient diversities in the complex Indian context, such as, geographic, linguistic, educational, cultural, economic and religious differences which are perceived to be equally important (Haq, 2010). The public sector is reconciled to the expectation that reservation is here to stay while the private sector does not expect it to be imposed on them in the near future despite increasing pressures from the target groups and the government. The multinational corporations, as equal employment opportunity employers, focus primarily on women.

Table 1 SHRM-Global DRI Ranking

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| **Top 10 Countries**  **Ranking/47 & Scores/100** | | **Bottom 10 Countries**  **Ranking/47 & Scores/100** | |
| 1 Sweden 73 | | 38 Malaysia 39 | |
| 2 Norway 72 | | 39 Turkey 37 | |
| 3 New Zealand 71 | | 40 Thailand 36 | |
| 4 Canada 70 | | 41 India 36 | |
| 5 Finland 69 | | 42 Philippines 35 | |
| 6 Denmark 67 | | 43 Russia 35 | |
| =7 United Kingdom 67 | | 44 China 32 | |
| =7 Australia 67 | | 45 Nigeria 31 | |
| 9 Switzerland 65 | | 46 Indonesia 31 | |
| 10 Ireland 64 | | 47 Saudi Arabia 23 | |
| CANADA  **Ranking/47 & Scores/100** | US  **Ranking/47 & Scores/100** | INDIA  **Ranking/47 & Scores/100** |  |
| 13 & 37 | 24 & 32 | 36 & 25 | National Diversity |
| 6 & 75 | 1 & 80 | 45 & 39 | Workplace Diversity |
| 4 & 79 | 25 & 63 | 43 & 37 | Social Inclusion |
| 4 & 67 | 18 & 46 | 30 & 35 | Government Inclusion |
| 6 & 87 | 18 & 78 | 38 & 41 | Legal Framework |
| Adapted from [http://www.shrm.org/**gdri**](http://www.shrm.org/gdri)  [**http://www.hrpa.ca/HRPAChapterSites/Ottawa/Documents/ConfMaterials/A03\_Global\_Diversity\_Trends.pdf**](http://www.hrpa.ca/HRPAChapterSites/Ottawa/Documents/ConfMaterials/A03_Global_Diversity_Trends.pdf) | | | |

**Table 2- Sex Ration in India-Census 2011**

|  |  |  |
| --- | --- | --- |
| **Sex Ratio of India, Census 2011** | | |
| Sex Ratio of India 2011 | 940 females for every 1,000 males | |
| Total Male Population | 623,700,000 (623.7 million) | |
| Total Female Population | 586,500,000 (586.5 million) | |
| Urban and Rural Sex Ratio of India, Census 2011 | | |
| Sex Ratio of India | India | 940 |
| Rural Sex Ratio of India | Rural | 947 |
| Urban Sex Ratio of India | Urban | 926 |
| Currently, there are about 51 births in India in 1 minute. | | |

Table 3

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **STATE** | **INDUSTRY RANK\*** | **SC/ST IN INDUSTRY\*\*** | **SC/ST IN POPULATION\*\*\*** | **GAP** |
| **Tamil Nadu** | **1** | **17.9** | **20** | **2.1** |
| **Maharashtra** | **2** | **5** | **19.1** | **14.1** |
| **Andhra Pradesh** | **3** | **17.1** | **22.8** | **5.7** |
| **Gujarat** | **4** | **9** | **21.9** | **12.9** |
| **Uttar Pradesh** | **5** | **17** | **21.2** | **4.2** |
| **Punjab** | **6** | **21** | **28.9** | **7.9** |
| **Karnataka** | **7** | **8.9** | **22.8** | **13.9** |
| **Rajasthan** | **8** | **14** | **29.8** | **15.8** |
| **West Bengal** | **9** | **20** | **28.5** | **8.5** |
| **Kerala** | **10** | **14.2** | **10.94** | **-3.26** |
| **Haryana** | **11** | **19** | **19.3** | **0.3** |
| **Madhya Pradesh** | **12** | **11** | **35.5** | **24.5** |
| **Delhi (NCR)** | **13** | **15** | **16.9** | **1.9** |
| **Uttarakhand** | **17** | **22** | **20.9** | **-1.1** |
| **Himachal Pradesh** | **21** | **12** | **28.7** | **16.7** |
| **Puducherry** | **23** | **13.3** | **16.2** | **3** |
| \* Industry Rank based on Annual Survey of Industries 2008-2009  \*\*Share in percentage of workforce based on CII survey  \*\*Share in ercentage of population based on Census of India 2001 | | | | |

Adapted from Financial Express: Iyer, P.V. (2011), “India Inc.’s caste census finds SC/ST missing”. http://www.financial express.com/printer/news/739803/

**Exhibit 1**

**The National Common Minimum Programme of the UPA government of India (May 2004)**

Congress and its allies the RJD, DMK, NCP, PMK, TRS, JMM, LJP, MDMK, AIMIM, PDP, IUML, RPI (A), RPI (G) and KC(J) parties came together to form a United Progressive Alliance (UPA) government in 2004, with six basic principles for governance: to preserve, protect and promote social harmony and to enforce the law; to ensure that the economy grows at least 7-8% per year in a sustained manner over a decade and more and in a manner that generates employment so that each family is assured of a safe and viable livelihood; to enhance the welfare and well-being of farmers, farm labour and workers, particularly those in the unorganized sector; to fully empower women politically, educationally, economically and legally; to provide for full equality of opportunity, particularly in education and employment for scheduled castes, scheduled tribes, OBCs and religious minorities; to unleash the creative energies of our entrepreneurs, businessmen, scientists, engineers and all other professionals and productive forces of society.

**Employment**-It enacted the National Employment Guarantee Act to provide a legal guarantee for a minimum of 100 days of employment on asset-creating public works programs every year at minimum wages for at least one able-bodied person in every rural, urban poor and lower middle-class household, along with a massive food-for-work program.

**Women and Children**-It successfully introduced legislation for one-third reservations for women in Vidhan Sabhas and in the Lok Sabha and enacted legislation on domestic violence and against gender discrimination. It also committed to ensuring that at least one-third of all funds flowing into panchayats be earmarked for programs for the development of women and children, encouraging village women and their associations to assume responsibility for all development schemes relating to drinking water, sanitation, primary education, health and nutrition. Complete legal equality for women in all spheres was emphasized, especially by removing discriminatory legislation and by enacting new legislation giving women equal rights to ownership of assets like houses and land.

**Scheduled Castes and Scheduled Tribes**-It urged the states to make legislation for conferring ownership rights in respect of minor forest produce, including tendu patta, on all those people from the weaker sections who work in the forests. All reservation quotas, including those relating to promotions, will be fulfilled in a time-bound manner. To codify all reservations, a Reservation Act will be enacted. It promised to launch a comprehensive national program for minor irrigation of all lands owned by dalits and adivasis with landless families to be endowed with land through implementation of land ceiling and land redistribution legislation. No reversal of ceilings legislation will be permitted. It agreed to review the overall strategy and program for the development of tribal areas to plug loopholes and to work out more viable livelihood strategies. In addition, it promised more effective systems of relief and rehabilitation for tribal and other groups displaced by development projects and rehabilitating tribal people alienated from their land. It declared its sensitivity to the issue of affirmative action, including reservations, in the private sector and promised to immediately initiate a national dialogue with all political parties, industry and other organizations to see how best the private sector can fulfill the aspirations of scheduled caste and scheduled tribe youth. For Eviction of tribal communities, it promised to amend the Constitution to establish a Commission for Minority Educational Institutions to provide direct affiliation for minority professional institutions to central universities. It also committed to promoting modern and technical education among all minority communities and social and economic empowerment of minorities through more systematic attention to education and employment. It promised to establish a National Commission for the welfare of socially and economically backward sections among religious and linguistic minorities, including enhanced reservations in education and employment giving the Commission six months to submit its report. Adequate funds were promised to be provided to the National Minorities Development Corporation to ensure its effective functioning and to examine the question of providing Constitutional status to the Minorities Commission and to strive for recognition and promotion of Urdu language under Article 345 and 347 of the Constitution. The National Integration Council would be restructured and revived so as to fulfill its original objectives by meeting at least twice a year.

Adapted from <http://pmindia.nic.in/cmp.pdf>

**Exhibit 2**

Information Bulletin- All India Pre-Medical/Pre-Dental Entrance Examination-2012 (Adapted from- <http://aipmt.nic.in/aipmt/Docs/AIPMTInformationBulletin2012.pdf>)

**1. INTRODUCTION**

In compliance with the directive of the Hon'ble Supreme Court of India, the Central Board of Secondary

Education, Delhi, would be conducting the All India Pre-Medical/Pre-Dental Entrance Examination, 2012. This entrance examination is being conducted exclusively for the 15% merit positions for the Medical/Dental Colleges of India as specified in the directive of the court and will be governed by the rules and regulations specified for the same by the Government of India, Ministry of Health and Family Welfare from time to time.

**(v) RESERVATION**

Reservation will be made as per following details in 15% All India quota:

**(a)** 15% seats are reserved for SC candidates,

**(b)** 7.5% seats are reserved for ST candidates,

**(c)** 27% seats are reserved for non-creamy layer OBC candidates in Central Educational Institutions only as per Hon’ble Supreme Court order dated 10.04.2008. Reservation would be applicable to the castes

mentioned in the Central list of OBC. Thus, the candidates falling in this list may mention OBC in the

Category Column in application form. Candidates from creamy layer and do not come under Central

List are advised to mention their category as General.

**(d)** 3% seats are reserved on horizontal basis for Physically Handicapped candidates. There is 3% horizontal reservation for Physically Handicapped persons (only for locomotory disabilities of lower limbs

between 50% to 70%, provided that in case any seat in this 3% quota remains unfilled on account of

unavailability of candidates with locomotory disability of lower limbs between 50% to 70% then any

such unfilled seat in this 3% quota shall be filled up by persons with locomotory disability of lower limbs

between 40% to 50% before they are included in the seats of respective category) in 15% All India UG

quota seat. Detailed information in this regard is available on the website of the Ministry of Health

and Family Welfare – www.mohfw.nic.in Candidates who considered themselves eligible for this

category are advised to ensure their eligibility by getting themselves examined at any Government

Medical College/District Hospital/Government Hospital. However, candidates may kindly note that in

case of selection under PH category, they will be required to produce Disability Certificate from one of

the disability assessment boards.

**8. ELIGIBILITY AND QUALIFICATIONS**

(i) He/She has completed age of 17 years at the time of admission or will complete the age on or before

31st December of the year of his/her admission to the 1st year MBBS/BDS Course and is an INDIAN

NATIONAL. (ii) The upper age limit for All India Pre-Medical /Pre-Dental Entrance Examination is 25 years as on 31st December of the year of the entrance examination. Further provided that this upper age limit shall be relaxed by a period of 5 (five) years for the candidates of Scheduled Castes/ Scheduled Tribes/Other Backward Classes. Candidate must born on or between –(a) 01.01.83 to 01.01.96 (SC/ST/OBC Category) (b) 01.01.88 to 01.01.96 (Other Category)

**(iv) Qualifications and Qualifying Examination Codes:**

CODE : 07….Provided also that to be eligible for competitive entrance examination the candidate must have passed in the subjects of Physics, Chemistry, Biology/Bio-technology and English individually and must have obtained a minimum of 50% marks taken together in Physics, Chemistry and Biology/ Bio-technology at the qualifying examination. In respect of the candidates belonging to Scheduled Castes, Scheduled Tribes or Other Backward Classes the marks obtained in Physics, Chemistry and Biology /Bio-technology taken together in qualifying examination and competitive entrance examination (Physics, Chemistry and Biology) be 40% marks instead of 50% for General Candidates. Further, for persons with locomotory disability of lower limbs, minimum of 45% marks for Gen-PH and 40% marks for SC-PH/ST-PH/OBC-PH are required.

**10. FEE DETAILS**-Application fee is Rs.1,000 for general and OBC applicants but reduced to Rs.550 for SC/ST/PH applicants.

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